

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICHAEL KASCSAK,

§

Plaintiff,

§

v.

1:23-CV-1373-DII

MICHAEL DAVIS VELASCO
and EXPEDIA, INC.,

§

Defendants.

§

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendants Michael Davis Velasco and Expedia, Inc.’s (collectively, “Defendants”) Motion To Dismiss Claims Against Defendant Michael Davis Velasco For Lack Of Personal Jurisdiction And, (2) Motion To Dismiss Plaintiff’s 42 U.S.C. § 1981 Claim For Failure To State A Claim, (Dkt. 12). (R. & R., Dkt. 19). Both parties timely filed objections to the report and recommendation, (Pl. Obj., Dkt. 21; Def. Obj., Dkt. 22); Plaintiff Michael Kacsak (“Plaintiff”) filed a response to Defendants’ objections, (Pl. Resp., Dkt. 24), and a reply in support of his objections, (Dkt. 31); and Defendants filed a response to Plaintiff’s objections, (Def. Resp., Dkt. 29), and a reply in support of their objections, (Def. Reply, Dkt. 30).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because the parties timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules the parties’ objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 19), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss, (Dkt. 12), is **GRANTED IN PART** with respect to Plaintiff's Section 1981 claim against Defendant Michael Davis Velasco and **DENIED IN PART** with respect to Plaintiff's Section 1981 claim against Defendant Expedia, Inc.

IT IS FURTHER ORDERED that Defendant Michael Davis Velasco is **DISMISSED** from this action for want of personal jurisdiction.

IT IS FINALLY ORDERED that Plaintiff's Section 1981 claim against Defendant Expedia, Inc. is not dismissed at this time.

SIGNED on April 25, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE